

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, April 21, 2015, at 7 p.m. in the City Hall Council Chambers.

**ROLL CALL:** Members present were Bright, Hultgren, Kulane (@ 7:02 p.m.), Newman, and Zenzen. Staff present were Dave Broxmeyer and Ashley Skaggs.

**APPROVAL OF MINUTES FROM THE MARCH 17, 2015 ZONING BOARD OF APPEALS MEETING**

**ACTION TAKEN:** Bright/Newman/Approved (4-0, Kulane absent)

**VAR-2015-04 / FR. MARK INNOCENTI ON BEHALF OF ST. MICHAEL'S CHURCH / 1036 COUNTY RD 4**

**ACTION TAKEN:** Hultgren/Bright/Approved (4-1, Hultgren opposed)

Broxmeyer explained a request for approval of variances from Article 18, Section 18.3, which regulates sign setbacks and the maximum size of an identification sign for a place-of-worship. The applicants are requesting to use the existing sign base and replace the existing sign with a 48 sq. ft. sign. The existing sign base is 0' from the western property line. The top portion of the proposed sign is fixed, while the lower portion is proposed to be a 35 sq. ft. electronic message center. The Land Development Code permits places-of-worship to have a maximum sign of 30 sq. ft. which must be set back a minimum of 10' from the property line. The applicants are requesting a 10' setback variance and an 18 sq. ft. size variance for the proposed sign. Staff is recommending approval.

Hultgren noted he does not have an issue with the setback variance since the sign already exists, but he asked about the practical difficulties that would justify the size variance. Broxmeyer stated that one difficulty would be the ability to show text at a reasonable size while vehicles are driving by.

Zenzen opened the public hearing and invited testimony. The following persons testified:

Fr. Mark Innocenti, 1036 County Rd 4 - The current sign is in need of an upgrade. At the proposed location, vehicles are traveling faster, and a smaller sign would not be as effective. There is a neighboring church with a smaller sign; however, the church is located at an intersection where vehicles are either driving slower or stopped.

Troy Rheaume, RHL, Inc. - He stated that size makes a big difference in conveying a message effectively. A smaller sign with higher resolution is not always an appropriate solution.

Innocenti noted that he wants to be effective with the size and getting the message across. Hultgren asked if a sign could be made smaller if the Board did not approve the size variance. Innocenti stated that it could be made smaller, although he would then need to rethink the entire project as a smaller sign would limit the scope of what could be done.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the variances subject to staff recommendations. The motion was seconded by Bright. Hultgren noted his apprehension to approve a variance without a clear practical difficulty. He stated he supports the setback variance but not the size variance. Bright commented that people

generally drive faster at this location, and he does not see a problem with the variances affecting traffic or neighbors. Zenzen called for a vote and the motion carried (4-1, Hultgren opposed).

**CUP-2015-02 / ATHLOS ACADEMIES ON BEHALF OF THE SCHWINGHAMMER FAMILY LTD  
PTP / 3135 COUNTY RD 136 & 4127 33<sup>RD</sup> ST S  
ACTION TAKEN: Bright/Hultgren/Approved (5-0)**

Broxmeyer explained a request for a Conditional Use Permit (CUP). The applicants are requesting to construct a school within an existing agricultural zoning district. The proposed school will provide education for children from kindergarten thru the 8<sup>th</sup> grade. The school site is proposed to include an 87,000 sq. ft. single story building, various playgrounds, athletic fields, and off-street parking areas. The Land Development Code requires schools within AG, RR, and R1 Districts to obtain a CUP.

Broxmeyer noted updated information received from the applicants. The maximum number of students that will be present in the school at one time is 1,296. Parking was calculated based on 100% occupancy, but that is an unlikely scenario on any given day. Staff is supportive of the proposed number of off-street parking spaces. The staff report noted the front building façade being higher than the maximum height permitted; however, there is unoccupied space underneath and should be considered an architectural feature.

Zenzen opened the public hearing and invited testimony. The following persons testified:

Paul Schwinghammer, 3135 County Rd 136 - His grandfather owned the property which then passed on to his father. His parents were very education oriented, and they would be pleased that a school will have the opportunity to be located on the property. He has a plan of what the entire property would look like if it were fully developed, and he asked that the school move forward at this time.

Hultgren asked about further subdivision of the property. Broxmeyer stated that in order to develop the entire 156 acres, the Schwinghammer's will be required to go through an Environmental Review, as well as platting and rezoning of the property.

Aaron Carroll, Athlos Academies - Athlos Academies wants to complement the existing educational opportunities with another choice and not necessarily compete with other schools. He noted the great potential seen in this area of the city.

Ray Jaeger, Coldspring (formerly Cold Spring Granite) - Coldspring operates a granite quarry in close proximity to the proposed charter school. Coldspring does not take a position for or against the CUP application. Rather, Coldspring wishes to state formally on the public record that it operates the granite quarry 12 months out of the year and, depending on demand, in the early morning and into the late-evening hours. Based on Coldspring's current production demands, quarrying will continue at this site for at least the next 100 years.

Hultgren asked how close the quarry will extend towards the school property. Jaeger stated he did not have an estimate at this time, but the active quarry is approximately a ¼ mile to a ½ mile away.

Schwinghammer stated that he sees no bearing that the Coldspring quarry will have on the proposed school.

Kulane asked if there were plans for sidewalks to be installed. Broxmeyer stated that sidewalks are in the long term plans as the street network is implemented in the area. The improvements are currently scheduled for 2021, but given the activity in the area could certainly move up.

Newman asked about the anticipated opening of the school. Carroll stated they are hoping to be ready in the summer of 2016.

There being no one else wishing to speak, the public hearing was closed. Bright made a motion to approve the CUP. The motion was seconded by Hultgren and carried unanimously.

**VAR-2015-05 / MICHAEL & BETH OMANN AND RONALD & JEANETTE GREENER / 5930 250<sup>TH</sup> ST S & 25425 58<sup>TH</sup> AVE**

**ACTION TAKEN: Hultgren/Bright/Approved (5-0)**

Broxmeyer explained a request for a variance from Article 8, Section 8.3 which regulates the minimum lot area and minimum lot width for properties within the RR, Rural Residential District. The applicants are requesting to subdivide an existing 19.67 acre property into two lots, which would result in one lot meeting the 10 acre requirement and the second lot being 9.67 acres. The applicants' property was platted as a single 19.67 acre zoning lot in 2004. Some acreage was lost when the property was platted due to right-of-way dedication. Then in January 2015, two ownership parcels were created by recording a Certificate of Survey. The parcels are considered to be a single property for regulatory purposes. If approved, the applicants' current request would create two independent zoning lots. Staff is recommending approval.

Zenzen opened the public hearing and invited testimony. The following persons testified:

Beth Omann, 25425 58<sup>th</sup> Ave – There is currently an easement required to get to their home. The easement would not be required if the request were approved.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the request. The motion as seconded by Bright. Hultgren asked if it would be appropriate to add a condition that no further subdivision be allowed without a plat. Broxmeyer stated it was not necessary. Short of rezoning, such a request would come before the Board. Zenzen called for a vote and the motion carried unanimously.

#### **OTHER BUSINESS**

**ACTION TAKEN: Notification Requirements – Hultgren/Bright/Approved (5-0)**

Bright reminded the Board members about a discussion that took place during the March Zoning Board of Appeals meeting regarding notification to owners and tenants. Broxmeyer stated that Article 3 of the Land Development Code would need to be amended to change notification requirements. A formal motion is preferred in order to pass the request on to the Planning Commission for consideration. Bright stated that tenants have as much interest as an owner when projects are proposed.

Hultgren asked who would be the one to research multi-tenant properties. Broxmeyer stated the city does not have a reliable database to pull the information from. The burden would be on

the applicant to provide tenant information to the city. Hultgren suggested requiring an affidavit stating that a good faith effort was made in locating all tenants/occupants.

Hultgren made a motion to submit for consideration by staff a new procedure to require, for all such requirements that notification is needed, that the applicant make a good faith effort to determine and provide a list to the City of all owners/occupants/tenants within the 500 ft. notification area. The motion was seconded by Bright and carried unanimously.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:54 p.m.